

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

MARK BRADFORD,

Plaintiff,

vs.

No. CIV 19-0915 JB/JHR

SECRETARY OF CORRECTIONS  
JERRY ROARK; UNIT MANAGER  
JESSICA HERRERA; UNIT  
MANAGER PAT LOVATO;  
CASEWORKER J. GALLEGOS and  
LIEUTENANT LINDSEY,

Defendants.

**MEMORANDUM OPINION AND ORDER**

**THIS MATTER** comes before the Court sua sponte under rule 41(b) of the Federal Rules of Civil Procedure on the Plaintiff's Verified Civil Rights Complaint, filed September 27, 2019 (Doc. 1)("Complaint"). The Court will dismiss the Complaint without prejudice for failure to comply with Court orders, statutes, and rules, and for failure to prosecute.

At the time that Plaintiff Mark Bradford filed the Complaint, the Complaint indicated that Bradford was incarcerated at the Penitentiary of New Mexico in Santa Fe, New Mexico. Complaint at 1. Bradford has not paid the filing fee or submitted an application to proceed without prepayment of fees or costs pursuant to 28 U.S.C. § 1915. On October 2, 2019, The Honorable Magistrate Judge Ritter, Magistrate Judge for the United States District Court for the District of New Mexico, ordered Bradford to cure these deficiencies within thirty days either by paying the filing fee or by submitting an application to proceed in forma pauperis. See Order to Cure Deficiency, filed October 2, 2019 (Doc. 3)("Fee Order"). The Fee Order advised Bradford that, if he failed to cure the deficiencies within the thirty-day time period, the Court could dismiss this

proceeding without further notice. See Fee Order at 1. Magistrate Judge Ritter also sent Bradford the forms for submitting an application under § 1915. See Fee Order at 1-2. More than thirty days elapsed after entry of the Fee Order, and Bradford did not pay the filing fee, submit an application to proceed under § 1915, or otherwise respond to the Fee Order. The copy of the Fee Order mailed to Bradford at his address of record was returned as undeliverable. See Mail Returned as Undeliverable, filed October 18, 2019 (Doc. 5).

Magistrate Judge Ritter issued an Order to Show Cause on October 22, 2019. See Order to Show Cause, filed October 22, 2019 (Doc. 6). In the Order to Show Cause, Magistrate Judge Ritter directed Bradford to show cause why the Court should not dismiss the case for failure to keep the Court advised of his address. Order to Show Cause at 1-2. The Order to Show Cause also advised Bradford that, if he did not respond to the Order within 30 days, the Court could dismiss this proceeding without further notice. See Order to Show Cause at 1-2. Bradford submitted a notice of change of address on November 7, 2019, changing his address to the Guadalupe County Correctional Facility. See Notice of Change of Address, filed November 7, 2019 (Doc. 7). He filed a response to the Order to Show Cause on April 3, 2020. See Letter to Court, filed April 3, 2020 (Doc. 8).

Magistrate Judge Ritter then entered a Second Order to Show Cause. See Order to Show Cause, filed July 19, 2021 (Doc. 9) (“Second Order to Show Cause”). In the Second Order to Show Cause, Magistrate Judge Ritter directed Bradford to show cause why the Court should not dismiss the case for failure to comply with the Court’s October 2, 2019 Fee Order. See Second Order to Show Cause at 1-2. The Court notified Bradford that, if he did not timely respond to the Second Order to Show Cause, the case could be dismissed without further notice. See Second Order to Show Cause at 1-2. The Court also directed the Clerk’s Office to send Bradford a copy of the Fee

Order. See Second Order to Show Cause at 1-2. The copy of the Second Order to Show Cause sent to Bradford at his address of record was returned as undeliverable. See Mail Returned as Undeliverable, filed July 26, 2021 (Doc. 10). New Mexico Department of Corrections' records show that Bradford has been released from custody, and he has not provided an updated mailing address.

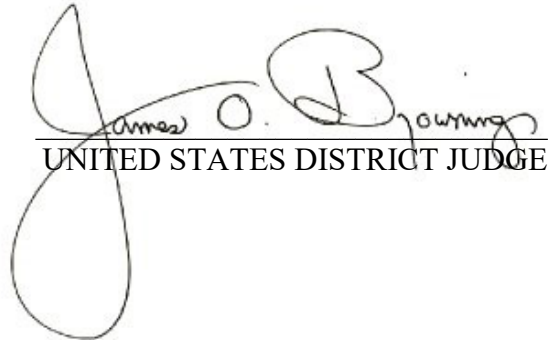
Under 28 U.S.C. §§ 1914(a) and 1915(a), the Court must collect the filing fee from the Bradford or authorize Bradford to proceed without prepayment of the fee. Bradford has not paid the filing fee or submitted an application to proceed under § 1915. Magistrate Judge Ritter directed Bradford to comply with the statutory requirements or show cause why he should not be required to comply. See Fee Order, at 1; Order to Show Cause at 1; Second Order to Show Cause. Bradford did not comply with or respond to the Court's Orders.

Pro se litigants also are required to follow the Federal Rules of Civil Procedure and simple, nonburdensome local rules. See Bradenburg v. Beaman, 632 F.2d 120, 122 (10th Cir. 1980). The local rules require litigants, including prisoners, to keep the Court apprised of their proper mailing address and to maintain contact with the Court. See D.N.M. LR-Civ. 83.6. Bradford has not kept the Court apprised of his proper mailing address, and has not communicated or maintained any contact with the Court since April, 2020.

Bradford has not complied with Magistrate Judge Ritter's orders, has not complied with statutory provisions, including 28 U.S.C. § 1915, has not complied with the local rules, and has not prosecuted this action. The Court may dismiss this action under rule 41(b) for failure to prosecute, failure to comply with the Federal Rules of Civil Procedure or local rules, failure to comply with statutes, and failure to comply with court orders. See Olsen v. Mapes, 333 F.3d at

1204, n. 3. The Court will dismiss this civil proceeding pursuant to rule 41(b) for failure to comply with statutes, rules, and Court Orders, and failure to prosecute this proceeding.

**IT IS ORDERED** that the Plaintiff's Verified Civil Rights Complaint, filed September 27, 2019 (Doc. 1), is dismissed without prejudice.



UNITED STATES DISTRICT JUDGE

*Parties:*

Mark Bradford  
Santa Rosa, New Mexico

*Plaintiff pro-se*